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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/731,437
Applicant : RANDY OXLEY
Filed : DECEMBER 6, 2000
TC/A.U. : 3727
Invention : HORIZONTAL STRONG SUPPORTING BOW
HOLDERS
Examiner : STEPHEN K. CRONIN
Confirmation No. : 8362

Docket No. : 14351-3
Customer No. : 23486

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in response to the Notification of Non-Compliant Appeal Brief mailed August 23, 2005. In this Notification, the examiner states that the Brief does not comply with 37 CFR 41.37(c) because it does not contain "a concise explanation of the subject matter defined in each of the independent claims involved in the appeal. . . ." Applicant apologizes for the omission since then existing 37 CFR 1.192 was just then removed in view of new rules, and these had not yet appeared in the Manual of Patent Examining Procedure found on the website of the USPTO. (See attached copy of a portion of 37 CFR 1.192 downloaded 9/13/2004.) Following is the additional information required by 37 CFR 41.37(c)(1)(d).

Concise Explanation of the Subject Matter Defined in Each of the
Independent Claims Involved in the Appeal


The only independent claim involved in this appeal is Claim 1. Claim 1 is directed to a holder for supporting a string bow in a generally horizontal position outwardly from a hunter's body at a position below the hunter's waist. This is generally illustrated in Fig. 6 of the drawings. Claim 1 recites a support member 2, a spacing member 4 combined with the support member 2, and an engagement member 6 combined with the spacing member 4 (Specification page 9, lines 15-20, p. 10, lines 1-2). Claim 1 further recites that the support member 2 is comprised of an inward section 8 and an outward section 10 that form an upwardly concave surface (page 10, lines 4-6 and Figs. 1 and 7).

Neither the independent claim nor any of the dependent claims involved in the appeal contain a means plus function recitation.

Further and favorable action on this application is requested.

Respectfully submitted,

RANDY OXLEY

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 31, 2005.

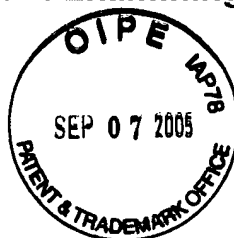

James C. Nemmers, Registered Representative



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37 CFR 1.192 Appellant's brief.

(a) Appellant must, within two months from the date of the notice of appeal under § 1.191 or within the time allowed for reply to the action from which the appeal was taken, if such time is later, file a brief in triplicate. The brief must be accompanied by the fee set forth in § 1.17(c) and must set forth the authorities and arguments on which appellant will rely to maintain the appeal. Any arguments or authorities not included in the brief will be refused consideration by the Board of Patent Appeals and Interferences, unless good cause is shown.

(b) On failure to file the brief, accompanied by the requisite fee, within the time allowed, the appeal shall stand dismissed.

(c) The brief shall contain the following items under appropriate headings and in the order indicated below unless the brief is filed by an applicant who is not represented by a registered practitioner:

(1) *Real party in interest.* A statement identifying the real party in interest, if the party named in the caption of the brief is not the real party in interest.

(2) *Related appeals and interferences.* A statement identifying by number and filing date all other appeals or interferences known to appellant, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) *Status of claims.* A statement of the status of all the claims, pending or cancelled, and identifying the claims appealed.

(4) *Status of amendments.* A statement of the status of any amendment filed subsequent to final rejection.

(5) *Summary of invention.* A concise explanation of the invention defined in the claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters.

(6) *Issues.* A concise statement of the issues presented for review.

(7) *Grouping of claims.* For each ground of rejection which appellant contests and which applies to a group of two or more claims, the Board shall select a single claim from the group and shall decide the appeal as to the ground of rejection on the basis of that claim alone unless a statement is included that the claims of the group do not stand or fall together and, in the argument under paragraph (c)(8) of this section, appellant explains why the claims of the group are believed to be separately patentable. Merely pointing out differences in what the claims cover is not an argument as to why the claims are separately patentable.

(8) *Argument.* The contentions of appellant with respect to each of the issues presented for review in paragraph (c)(6) of this section, and the basis therefor, with citations of the authorities, statutes, and parts of the record relied on. Each issue should be treated under a separate heading.

(i) For each rejection under **35 U.S.C. 112**, first paragraph, the argument shall specify the errors in the rejection and how the first paragraph of **35 U.S.C. 112** is complied with, including, as appropriate, how the specification and drawings, if any,

(A) Describe the subject matter defined by each of the rejected claims,

(B) Enable any person skilled in the art to make and use the subject matter defined by each of the rejected claims, and

(C) Set forth the best mode contemplated by the inventor of carrying out his or her invention.

(ii) For each rejection under **35 U.S.C. 112**, second paragraph, the argument shall specify the errors in the rejection and how the claims particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(iii) For each rejection under **35 U.S.C. 102**, the argument shall specify the errors in the rejection and why the rejected claims are patentable under **35 U.S.C. 102**, including any specific limitations in the rejected claims which are not described in the prior art relied upon in the rejection.

(iv) For each rejection under **35 U.S.C. 103**, the argument shall specify the errors in the rejection and, if appropriate, the specific limitations in the rejected claims which are not described in the prior art relied on in the rejection, and shall explain how such limitations render the claimed subject matter unobvious over the prior art. If the rejection is based upon a combination of references, the argument shall explain why the references, taken as a whole, do not suggest the claimed subject matter, and shall include, as may be appropriate, an explanation of why features disclosed in one reference may not properly be combined with features disclosed in another reference. A general argument that all the limitations are not described in a single reference does not satisfy the requirements of this paragraph.

(v) For any rejection other than those referred to in paragraphs (c)(8)(i) to (iv) of this section, the argument shall specify the errors in the rejection and the specific limitations in the rejected claims, if appropriate, or other reasons, which cause the rejection to be in error.

(9) *Appendix.* An appendix containing a copy of the claims involved in the appeal.

(d) If a brief is filed which does not comply with all the requirements of paragraph (c) of this section, appellant will be notified of the reasons for non-compliance and provided with a period of one month within which to file an amended brief. If appellant does not file an amended brief during the one-month period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the appeal will stand dismissed.